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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,388	07/17/2003	Attila Grauzer	PA0885.ap.US	4708

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EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,388

Applicant(s)

GRAUZER ET AL.

Examiner

Robert Mosser

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 24th, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION



Claims 13-23 are pending.

This action is Final.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 13 through 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys (US 6,638,161) further in view of Purton (WO 00/51076).

Claims 13: Soltys teaches a method and system for examining and verifying the order of cards played with the order of cards dealt during a casino card table game including:

A card reading device for reading spent cards collected at a conclusion of a round of play of a casino table card game (Soltys Figs 6 & 7 | Purton Elm 13);

The placing of a set of spent cards, less than a complete deck, into a card in-feed area of the card reading device at the conclusion of a round of play of the casino table game (Soltys Col 3:60-64 & 23:23-38); and

The determination of hand composition played in a round of play of a casino table game, sending of a signal representing the at least one of rank and suit of each spent card in an order in which each spent card was placed in the card in-feed area, wherein the signal is used to determine the composition of hands played in the round of play of the casino table card game (Soltys Col 23:3-57, Figures 12 & 14-16).

Soltys utilizes a static orientation barcode system and bard-code type reading device for interpreting the value (rank and suit) in the place of optical recognition however in a related card reader Purton teaches the use of an optical card recognition inspection device further including the use of rollers for moving the cards one at a time from the bottom of a set of spent cards in the in-feed area and reading the rank and suit of each spent card prior to depositing the spent card into a card collection area of the card reading device (Purton Elements 15 and 19, Figure 3, & Page 5 Lines 5-9 and 15-19). It would have been obvious to one of ordinary skill in the art the time of invention to have utilized the spent card reading device of Purton as the card inspection element of Soltys hand verification device, in order to further allow the inspection of spent cards for signs of tampering as taught by Purton (Purton Pages 13-15).

Claims 14: Purton teaches a card collection area including an elevator with support surface, wherein the elevator support surface is lowered as more cards are fed into the card collection area (Purton Figure 2, Page 5 lines 5-11).

Claims 15, 16, 22, and 23: Purton teaches the use of a sensor for detecting card and card edge through the use of a beam of light and triggering an image capture of the card, (Page 10 lines 10-17) wherein the interruption of the beam would inherently commence as the edge of the card surface obstructs the beam path.

Claims 17-21: Soltys teaches the deposit of one round of hands into the card reader however as noted below a round of a game is additionally referred to as a "hand" in the art of card games accordingly Soltys teach the depositing of both a singular "hand" (round) of cards and the multiple "hands" comprising the "hand" (round) in to the reading device (Soltys Col 12:22-25).

Response to Arguments

Applicant's arguments filed August 4th, 2006 have been fully considered but they are not persuasive. Applicant has amended the claims to included that that the cards deposited into the card reader are "less then a complete deck of cards" however this verbiage does not in of itself nor with reference to the specification define what by which standard the Applicant is determining a complete deck. The prior art of Soltys however, speaks to this point in two different manners, in the first manner Soltys describes the play of blackjack and the inspection of the cards used therein upon the conclusion of the

game hand/round (Soltys Col 23:3-57). As a hand of blackjack is understood to include outcomes utilizing less than a complete conventional deck of cards as set forth above it sets forth for the utilization of "less than a complete deck of cards". On a second point Soltys provides for an interpretation of a deck of cards as including any variable amount of cards and card types (Soltys Col 28:37-43) raising an additional question as to what constitutes a complete deck of cards by the instant claims. For the purposes of the pending rejection the claim limitation of a deck is understood as any variable amount of cards and card types as set forth by Soltys (Soltys Col 28:37-43).

Applicant's second amendment as presented in claim 17, and directed to limiting the number of cards placed into the card feed-in area raise issue regarding two separate and common definitions with relation to card games of a "hand" that are addressed below under the heading *Allowable Subject Matter* and are incorporated herein by reference.

On page 8 of the remarks by Applicant, the Applicant contends that the combination of Purton and Soltys in the manner suggested by the Examiner is improper. Respectfully, it is unclear on what particular grounds the Applicant believes this position to be founded. Review of the Art as applied indicates that both references are directed to the field of card inspection and further that neither reference has yet been shown to include teachings prohibiting the modifications as presented by the Examiner. The following statement provided by the Applicant on the same page, "Neither reference

teaches or suggests a device for reading only the cards being removed from play of the game, not an entire set of cards (such as one or multiple decks) of cards, for the purpose of determining hand composition after cards are removed from play.”, is respectfully, in contradiction to columns 23-25 of Soltys wherein Soltys describes a manner of play wherein the played cards are inspected after each round and not including a full deck for the respective inspection process.

On page 9 of the remarks by Applicant, the Applicant contends that figure 3 of Purton fails to demonstrate that cards are removed one at a time from the bottom of the feed-in area. Respectfully Purton page 6 sets forth the operation of the disclosed figure 3 in the manner relied upon by the Examiner. It is unclear to the Examiner where the Applicant's perceived deficiency in the Purton reference rest and what grounds they intend to rely upon in establishing this perceived deficiency.

Remaining arguments are premised on the perceived discrepancies and are accordingly believed to be redressed in the redress of the arguments presented above.

Allowable Subject Matter

Though claim 17 is presently rejected the insertion of the term “player” after the word “single” and before the word “hand” would narrow the presented claim term hand to the interpretation in view of the specification and would additionally teach an embodiment not directly addressed by the prior art of record. The specific issue presently relies upon Applicant's utilization of the term “hand” within the body of the

claim. While the Examiner notes that the term "hand" can refer to a singular round in a game (i.e. "Anyone up for a hand or two of poker while we wait for the game to start?"), the Applicant's use of the term "hand" refers to the cards or pieces held by a player as reflected in their use of the term throughout the specification (i.e. "Receiving cards 2 through 7 off suite is considered the worst hand to receive in a game of Texas Hold'em.") these represent two distinct and separate definition for the common term. In accordance with MPEP 2111.01 the particular field of endeavor sets forth two distinct definitions of the presented claim language based on the particular interpretation of the term "hand" relied upon in the claim stands presently rejected under the broadest reasonable interpretation encompassed by the presented claim language.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM



MARK SAGER
PRIMARY EXAMINER